

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

WILLIAM B. WESTWOOD

*Plaintiff*

v.

MEN'S MEDICAL NEW YORK, PC. and LAWRENCE  
A. SMILEY, M.D.

*Defendant*

13 CIV 6641

Civil Action No.

JUDGE FORREST

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* LAWRENCE A. SMILEY, M.D.  
C/O/ MEN'S MEDICAL NEW YORK, PC.  
99 Jericho Turnpike Suite 202, Jericho, NY 11753

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK

CLERK OF COURT

Date: \_\_\_\_\_

SEP 19 2013

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**WILLIAM B. WESTWOOD**

Plaintiff(s), Petitioner(s)

*against*

**LAWRENCE A. SMILEY, M.D. C/O MEN'S MEDICAL  
NEW YORK, P.C.**

Defendant(s), Respondent(s)

ATTORNEY: Tannenbaum, Helporn, Syracuse & Hirschtritt, LLP.

Index No.: 13CIV-6641

DATE OF FILING: 9/19/2013

**AFFIDAVIT OF SERVICE**

STATE OF N.Y.: COUNTY OF NASSAU: ss:

I, Douglas C. Helkowski, being duly sworn according to law upon my oath, depose and say, that deponent is not a party to this action, is over 18 years of age and resides in the state of New York, .

That on **September 24, 2013 at 2:53 PM at 99 Jericho Turnpike, Suite 202, Jericho, NY 11753**, deponent served the **Summons in a Civil Action, Civil Complaint, Civil Cover Sheet, Individual Practices in Civil Cases of Sarah Netburn, United States Magistrate Judge, Individual Practices in Civil Cases of Katherine B. Forrest, United States District Judge & Electronic Case Filing Rules and Instructions** upon **Lawrence A. Smiley, M.D. c/o Men's Medical New York, P.C.**, defendant/respondent/recipient herein .

Said service was effected in the following manner;

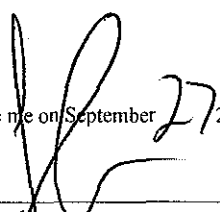
By delivering thereat a true copy *of each* to **Lawrence A. Smiley, M.D. c/o Men's Medical New York, P.C.**, personally; deponent knew said person so served to be the person mentioned and described as said defendant/respondent/recipient therein.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows: Sex: **Male** Skin: **White** Hair: **Gray** Age(Approx): **60** Height(Approx): **5' 10"** Weight(Approx): **160-170 lbs**  
Other:

I asked the defendant/respondent/recipient if he/she was in active military service of the United States or the State of New York in any capacity and received a negative reply. Defendant/respondent/recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the defendant/respondent/recipient is not in the military service of New York State or the United States as that term is defined in the statutes of New York State or the Federal Soldiers and Sailors Civil Relief Act.

I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Sworn to before me on September 27 2013

  
\_\_\_\_\_  
Craig L. Eisenberg  
Notary Public, State of New York  
Registration No. 01E16030725  
Qualified in Suffolk County  
Commission Expires September 20, 2017

  
\_\_\_\_\_  
Douglas C. Helkowski,

Executive Attorney Services, 293 Castle Ave, Ste 1C, Westbury, NY 11590 (516) 333-3447  
Case No.: 152571